



LORAIN COUNTY

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Records Center Supervisor

Lynn Wallace
440-326-4866

December 11, 2002

Art Weber, Clerk
City of Elyria
328 Broad Street
Elyria, Ohio 44035

Dear Mr. Weber:

Enclosed is a complete transcript of the granted Annexation of 58.32 acres from Elyria Township to the City of Elyria, Ohio – Attorney Murray, agent acting on behalf of Rowland Enterprises, Petitioner.

This was approved by Resolution No. 02-892B on December 5, 2002.

Yours truly,

Roxann Blair,
Clerk

RB/tu
Enclosure

Cc: Barbara Baker, Clerk, Elyria Township
Attorney Garrett Murray
Mary Ann Jamison, LC Recorder
Mark Stewart, LC Auditor/Attn: Rosemary Wirth
Robin Jones, Director, 911
Greg Stempowski, Board of Elections
Kenneth P. Carney, LC Engineer
Tom McNair, LC Tax Map
File

RESOLUTION NO. 02-892B

In the matter of granting the proposed Annexation)
of approximately 58.32 acres from Elyria Township) December 5, 2002
to the City of Elyria, Ohio, Attorney Garrett Murray,)
Agent acting on behalf of Rowland Enterprises,)
Petitioner)

WHEREAS, this proposed Annexation was filed and received on June 21, 2002 by Resolution No. 01-598; and

WHEREAS, the Clerk said the first public hearing was scheduled and held on Thursday, August 16, 2001 at 11:00 a.m. Commissioner Blair read a brief statement on the proposed annexation. Assistant Prosecutor Innes administered an oath to everyone making testimony. Commissioner Blair conducted the hearing, asking for comments from Attorney Murray, the County Engineer, Township Trustees and anyone expressing their opposition to/or approval to this annexation.

After receiving testimony, Attorney Murray requested this hearing be continued due to the lack of time permitted and more evidence needs to be presented at a later date. Everyone in attendance concurred and Resolution No. 01-780 scheduled a continued hearing for Thursday, October 25, 2001 at 10:30 a.m.

At the hearing on October 25, 2001, Attorney Murray again requested a continuance of this hearing. He indicated that he has been in discussions with Assistant County Prosecutor Innes, Attorney Elizabeth Popovich, Eric Rothgery, Safety Service Director and Chris Eichenlaub, Engineer for the City of Elyria and further discussions were needed.

All present were in favor of this continuance. Resolution No. 01-990 adopted October 25, 2001 scheduled the continued hearing for Thursday, January 17, 2002 at 10:30 a.m.

The continued hearing was opened on January 17, 2002 by Commissioner Moore. Attorney Murray commented that the Township and City were still working to have an Agreement on a JEDD proposal and was requesting another continuance until Thursday, February 28, 2002 at 10:30 a.m.

Everyone present was in agreement. Resolution No. 02-48, adopted January 17, 2002 scheduled the continued hearing for February 28, 2002.

All parties agreed that the continued hearing for February 28, 2002 would be continued until March 28, 2002 by Resolution No 02-257 because on-going discussions are still taking place in the possibility of forming a JEDD. On March 28, 2002, again, all parties agreed to continue this hearing until April 25, 2002 based upon the request by Attorney Murray, City of Elyria and Elyria Township relative to the proposed JEDD agreement. Another agreement was reached by all parties that the continued hearing for April 25, 2002 be continued for December 5, 2002 at 10:30 a.m. by Resolution No. 02-301; and

WHEREAS, Commissioner Moore asked Attorney Murray if he had any further statements, since the JEDD was not approved by the voters at the November 5, 2002 election; and

WHEREAS, Attorney Murray, 409 East Avenue, Elyria, Ohio said this matter was filed on May 30, 2001 and the initial hearing was on August 16, 2001 and continued approximately five times for the purpose of negotiations with the City of Elyria, Elyria Township and his client regarding the execution of a JEDD agreement and CEDA agreement and this agreement was executed on September 23, 2002. This agreement provided that if the JEDD passed, his client's property would remain in the Township and they would withdraw the annexation petition. Also provided that the JEDD agreement did not pass by the voters, the Township would not have any opposition to this annexation to the City of Elyria. He also stated the initial hearing was on August 16, 2001 and at that particular time transcripts were presented and filed with all the proceedings with the Clerk and have complied with the statute. He is filing today, exhibits of the JEDD agreement that was entered and section 5 the one that is pertinent about opposing the annexation and declaration of restrictions, which the JEDD agreement required his client to file indicating if the JEDD passed they would withdraw the annexation petition. Also his client agreed to wait until the JEDD agreement outcome.

Commissioner Vasi said this annexation is under the old law, Attorney Murray said yes; and

WHEREAS, Assistant County Prosecutor administered an oath to anyone wishing to give testimony; and

WHEREAS, Commissioner Moore asked if there were anyone present in opposition to this annexation, there were no statements to be made; and

WHEREAS, Assistant Prosecutor Innes said the effort for the JEDD agreement was not successful, he thinks it is important to acknowledge the City of Elyria and Attorney Murray's' client because they have tried to work this out and done everything they could.

Motion by Moore, seconded by Vasi to close this public hearing. Upon roll call the vote taken thereon, resulted as; Ayes: All.

Motion carried.

NOW, THEREFORE BE IT RESOLVED, based upon the testimony presented, the Lorain County Board of Commissioners hereby grants the proposed Annexation of approximately 58.32 acres in Elyria Township to the City of Elyria, Ohio – Attorney Garrett Murray acting on behalf of Ernest Alessio, Agent for Billy S. Rowland, Trustee of the Billy S. Rowland Trust, Agent for Petitioner and description is as follows:

Situated in the Township of Elyria, County of Lorain, and State of Ohio. Being known as part of Original Elyria Township Lots Nos. 35, 36, 41, and 42, West of Black River, and more definitely described as follows:

Beginning at the intersection of the westerly sideline of Lake Avenue and the northerly sideline of Edison Court as shown by the plat of Westview Allotment No.1 as recorded in Volume 13, Page 31 of Lorain County Plat Records;

Thence westerly in the northerly sideline of Edison Court as shown by the above referenced plat and the plat of Westview Allotment No.2 as recorded in Volume 14, Page 7 and Westview Allotment No.3 as recorded Volume 14, Page 36 of Lorain County Plat Records, a distance of about 1234.53 feet to the southwesterly corner of Sublot No.34 in the last referenced allotment; said point is the principal place of beginning;

Thence southerly in the westerly line of Westview Allotment No.3, a distance of 50.00 feet to a point in the southerly sideline of Edison Court;

Thence easterly in the southerly sideline of Edison Court, a distance of 15.00 feet to a point 20 feet distant westerly from the northwesterly corner of Sublot No.35 in the referenced allotment;

Thence southerly in a line parallel with and 20 feet distance westerly from the westerly line of said Sublot No.35, a distance of about 126.72 feet to the southeasterly corner of "Parcel No.2" conveyed to Billy S. Rowland as recorded in Volume 86, Page 67 and 71 of Lorain County Official Records and a point in the existing corporation line of the City of Elyria;

Thence westerly in the southerly line of said "Parcel No.2" and in the southerly line of "Parcel No.3" conveyed to Billy S. Rowland as recorded in Volume 85, Pages 67 and 71 of Lorain County Official Records and partially in the existing corporation line of the City of Elyria, passing through an angle point in said corporation line where it extends southerly along the line between Original Lots Nos. 42 and 35, a distance of about 1341.10 feet to the northeasterly corner of a 29.81 acre parcel now or formerly owned by the Billy S. Rowland Trust;

Thence southerly in the westerly line of said 29.81 acre parcel, a distance of about 168.00 feet to an angle point therein;

Thence easterly in a northerly line of said 29.81 acre parcel, a distance of about 50.00 feet to an angle point therein;

Thence southerly in the easterly line of said 29.81 acre parcel, a distance of about 319.70 feet to the southeasterly corner thereof;

Thence westerly in the southerly line of said 29.81 acre parcel, a distance of about 2230.89 feet to the southwesterly corner thereof and a point in the westerly line of Original Lot No.42;

Thence northerly in the westerly line of Original Lot No.42, a distance of about 634.03 feet to the northwesterly corner of said Original Lot;

Thence easterly in the northerly line of Original Lot No.42, a distance of about 861.82 feet to the southwesterly corner of an 8.21 acre parcel now or formerly owned by the Billy S. Rowland Trust;

Thence northerly in the westerly line of said 8.21 acre parcel, a distance of about 485.35 feet to a point in the southerly right-of-way line of the Ohio Turnpike;

Thence easterly in the southerly right-of-way line of the Ohio Turnpike, a distance of about 763.05 feet to an angle point therein;

Thence southerly in the Ohio Turnpike's right-of-way line, a distance of about 12.32 feet to an angle point therein;

Thence easterly in the southerly right-of-way line of the Ohio Turnpike, a distance of about 617.68 feet to the northeasterly corner of a 1.74 acre parcel now or formerly owned by the Billy S. Rowland Trust;

Thence southerly in the easterly line of said 1.74 acre parcel and in the easterly line of a 4.94 acre parcel now or formerly owned by the Billy S. Rowland Trust, a distance of about 285.30 feet to a point in the northerly sideline of Emerson Court;

Thence westerly in the northerly sideline of Emerson Court, a distance of about 5.00 feet to an angle point in the easterly line of the aforesaid 4.94 acre parcel;

Thence southerly in the easterly line of said 4.94 acre parcel, a distance of 50.00 feet to a point in the southerly sideline of Emerson Court;

Thence westerly in the westerly extension of the southerly sideline of Emerson Court, a distance of about 25.67 feet to an angle point in the southerly line of said 4.94 acre parcel;

Thence southerly in the easterly line of said 4.94 acre parcel, a distance of about 131 feet to a point in the northerly line of "Parcel No.3" conveyed to Billy S. Rowland as recorded in Volume 86, Pages 67 and 71 of Lorain County Official Records;

Thence easterly in the northerly line of said "Parcel No.3" and in the northerly line of "Parcel No.1" so conveyed to Billy S. Rowland, a distance of about 1253.07 feet to a point 10 feet westerly of the northwesterly corner of Sublot No.34 in Westview Allotment No.3 as recorded in Volume 14, Page 36 of Lorain County Plat Records;

Thence southerly in a line parallel with and 10 feet westerly of the westerly line of Sublot No.34, a distance of about 128.96 feet to a point in the westerly extension of the northerly sideline of Edison Court;

Thence easterly in the westerly extension of the northerly sideline of Edison Court, a distance of about 10.00 feet to the principal place beginning;

Enclosing a parcel containing about 58.32 acres of land of which about 2.76 acres are in Original Lot No.35, about 1.70 acres are within Original Lot No.36, about 18.65 acres are within Original Lot No.41 1 and about 35.21 acres are within Original Lot No.42 but subject to all legal highways.

The within territory is adjacent to the said City of Elyria, Ohio.

Petitioner has attached hereto and made a part of this Petition an accurate map showing the boundaries of the territory sought to be annexed marked "Annexation Map."

Petitioner states there is one (1) owner of real estate in the territory sought to be annexed.

Ernest J. Alessio, 2141 Lake Pointe Drive, Avon, Ohio 44011, is hereby appointed agent for the undersigned Petitioner as required by O.R.C. 709.02 with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, decrease or delete the area; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this Petition without further expressed consent of the Petitioner.

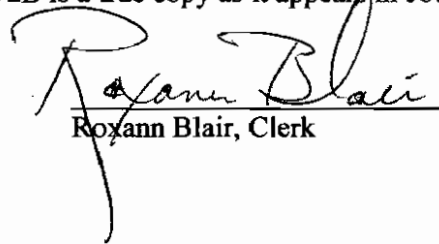
S/Billy S. Rowland, Trustee of the Billy S. Rowland Trust, 65 Coveland, Avon Lake, Ohio 44012.

BE IT FURTHER RESOLVED, a certified copy of the final transcript of this Board of Commissioners relating to the finds and orders of this Board together with the accompanying map and Petition and all other papers pertaining thereto shall be delivered to the City of Elyria, Ohio.

Motion by Vasi, seconded by Moore to adopt this Resolution and find the territory sought to be annexed is good for the territory and statutory requirements have been meet.

Motion carried. _____ (discussion was held on the above)

I, Roxann Blair, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 02-892B is a true copy as it appears in Journal No. 02-02 on date of December 5, 2002.


Roxann Blair, Clerk